

Message Text

UNCLASSIFIED

PAGE 01 CARACA 02842 221200Z
ACTION IO-13

INFO OCT-01 ARA-10 ISO-00 H-02 DEAE-00 CIAE-00 INR-07
JUSE-00 NSAE-00 SNM-02 TRSE-00 USIA-15 NSC-05
OES-06 OMB-01 AGRE-00 HEW-06 AID-05 DODE-00 L-03
/076 W

-----221204Z 037902 /15

P R 212117Z MAR 77
FM AMEMBASSY CARACAS
TO SECSTATE WASHDC PRIORITY 7016
INFO USMISSION GENEVA

UNCLAS CARACAS 2842

E.O. 11652: N/A
TAGS: SNAR VE
SUBJECT: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF MARIHUANA

REF: STATE 057902 152344Z MAR 77

1. ARTICLE 367 OF THE VENEZUELAN PENAL CODE IS THE MOST
PERTINENT WITH REGARD TO SANCTIONS FOR NARCOTICS OFFENSES.

A. PENALTY OF 4 TO 8 YEARS IMPRISONMENT IS SPECIFIED
FOR POSSESSION, SALE, OR TRAFFICKING IN OPIUM AND ITS
DERIVATIVES; COCA-LEAVES AND COCAINE; THE "MARIHUANA"
PLANT AND ITS DERIVATIVES OR PRODUCT; AND ANY OTHER
SO-CALLED STUPEFYING DRUGS OR NARCOTICS.

B. PENALTY OF 2 TO 5 YEARS IMPRISONMENT IS SPECIFIED
FOR ONE WHO OFFERS, LENDS OR OTHERWISE ALLOWS A LOCALE
TO BE USED BY OTHERS FOR CONSUMING NARCOTICS.

C. THOSE PERSONS WHO MAKE USE OF SAID LOCALE FOR
CONSUMING NARCOTICS SHALL BE PENALIZED WITH
IMPRISONMENT OF SIX (6) MONTHS TO 2 YEARS WITHOUT
BENEFIT OF BAIL. (THIS IS THE ONLY REFERENCE MADE
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 CARACA 02842 221200Z

AS TO USE).

D. PENALTIES UNDER ARTICLE 367 ARE INCREASED BY
ONE-THIRD IF THE NARCOTICS ARE SOLD TO, APPLIED TO,
OR MADE AVAILABLE TO MINORS UNDER 18 YEARS OF AGE.
THE PENALTY INCREASE IS ALSO APPLICABLE TO THOSE
PERSONS WHO UTILIZE MINORS FOR TRAFFICKING.

2. ARTICLE 367 AND SUBSEQUENT ARTICLES OF THE VENEZUELAN PENALCODE TO NOT PROVIDE FOR LEGAL DISPOSITION IN CASES OF ADDICTION, ABUSE OR OCCASIONAL USE OF DRUGS OR NARCOTICS SUBSTANCES.

3 PROPOSEDLEGISLATION WHICH IS NOW UNDER CONSIDERATION BY THE VENEZUELAN CONGRESS PROVIDES THE FOLLOWING:

A. TITLE III, CHAPTER I, ARTICLE 48 SPECIFIES A PENALTY OF 10 TO 20 YEARS IMPROSONMENT FOR ILLICITLY TRAFFICKING WITH; AND THE PREPARATION OR ELABORATION OF NARCOTICS, INCLUDING MARIHUANA.

B. ARTICLE 49 SPECIFIES A PENALTY OF 4 TO 8 YEARS IMPRISONMENT FOR ILLICITLY DISTRIBUTING, SUPPLYING OR STORING NARCOTICS FOR ANY PURPOSE; OR POSSESSION OR PURCHASE OF NARCOTICS, INCLUDING MARIHUANA, FOR OTHER THAN PERSONAL CONSUMPTION.

C. CHAPTER II, ARTICLES 62 & 63, PROVIDE THAT A DRUG USER WHO POSSESSES NARCOTICS, INCLUDING MARIHUANA, FOR PERSONAL USE WILL BE SUBMITTED TO ONE OR MORE OF THE FOLLOWING: (1) TREATMENT AND REHABILITATION; (2) DETOXIFICATION; (3) SOCIAL READAPTATION; (4) SUPERVISED RELEASE OR FOLLOW-UP; (5) EXPULSION, IN THE CASE OF FOREIGNERS. A PERSONAL DOSE IS CONSIDERED AN AMOUNT FOR THE IMMEDIATE REQUIREMENT OF THE INDIVIDUAL AND IT WILL BE LEFT TO THE DISCRETION OF THE PRESIDING UNCLASSIFIED

UNCLASSIFIED

PAGE 03 CARACA 02842 221200Z

JUDGE TO MAKE A DETERMINATION.

4. GENERALLY, THE VENEZUELAN ENFORCEMENT AUTHORITIES AND THE JUDICIAL SYSTEM ARE FLEXIBLE IN MARIHUANA CASES WHERE SMALL AMOUNTS (UP TO 1 OR 2 OZ) ARE CONCERNED AND MAY NOT PROSECUTE FIRST OFFENDERS IF NO OTHER OFFENSE IS INVOLVED. SECOND AND SUBSEQUENT OFFENDERS MAY BE REFERRED TO TREATMENT IN ONE OF SEVERAL GOVERNMENT SPONSORED OR PRIVATE CLINICS WHICH DEAL WITH DRUG ABUSERS. VAKY

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DRUG CONTROL, MARIJUANA, LAW, CRIMES, US CONGRESSIONAL HEARINGS
Control Number: n/a
Copy: SINGLE
Sent Date: 21-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977CARACA02842
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770097-1045
Format: TEL
From: CARACAS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770340/aaaabioh.tel
Line Count: 107
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 7b815cb5-c288-dd11-92da-001cc4696bcc
Office: ACTION IO
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 57902
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 21-Sep-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3052233
Secure: OPEN
Status: NATIVE
Subject: CONGRESSIONAL HEARINGS ON DECRIMINALIZATION OF MARIHUANA
TAGS: SNAR, VE, US
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/7b815cb5-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009